

Decree No. 2-19-13 of 17 Ramadan 1440 (23 May 2019) relating to the quality and health safety of certain marketed beverages.

(OG No. 6784 of 06/06/2019, page 1037)

THE HEAD OF GOVERNMENT,

Considering the Law No. 28-07 relating to the health safety of food products, promulgated by the Dahir No.1-10-08 of 26 Safar 1431 (11 February 2010), in particular its articles 5 and 8;

Having regard to the Law No. 13-83 relating to the repression of fraud on goods, promulgated by the Dahir No. 1-83-108 of 9 Moharrem 1405 (5 October 1984), in particular its article 16;

Having regard to the Decree No. 2-10-473 of 7 Shawal 1432 (6 September 2011) taken for the application of certain provisions of Law No. 28-07 relating to the health safety of food products, in particular its articles 4, 5, 48, 53 and 75;

Considering the Decree No. 2-12-389 of 11 Joumada II 1434 (22 April 2013) establishing the conditions and terms of the labeling of food products, as it modified and supplemented;

After deliberation in the government council meeting on 3 Ramadan 1440 (9 May 2019),

DECREES:

Chapter One: General provisions

ARTICLE 1 - In accordance with the provisions of articles 5 and 8 of the Law No. 28-07 relating to the health safety of food products, this decree shall set the conditions likely to ensure the quality and health safety of the beverages named as follows:

1) **“Fruit drink” or “vegetable drink” or “fruit juice drink” or “vegetable juice drink” or “fruit pulp drink” or “vegetable pulp drink” or “fruit purée drink” or “vegetable puree drink”:**

- the product obtained by mixing water and, in a minimum proportion of 10%, fruit juice, vegetable juice, fruit or vegetable juice concentrates, fruit pulp, vegetable pulp, vegetable purée fruits, vegetable purees or the mixture thereof. The product obtained can be carbonated using pure carbonic acid/or added with sugar or sweeteners;

2) **“Soda”:** the product obtained by mixing water and one or more of the following products:

- fruit juice, fruit juice concentrate, fruit pulp or fruit puree, extracts of fruits, plants or seeds, or their mixture and carbonated using pure carbonic acid. This product may contain added sugar or sweeteners. In the case of sodas prepared from fruit juice or fruit juice concentrate, fruit pulp or fruit puree or their mixture, the content of these products in the product obtained must at least be 10%;

3) **“Lemonade”:**

- the product obtained by mixing water and one or more lemon derivatives, and carbonated with pure carbonic acid, with or without the addition of sugar or sweeteners.

The name “**lemon lemonade**” or “**lemon juice lemonade**” or “**pure lemon lemonade**” or any other name of lemonade containing the term “lemon” is reserved exclusively for lemonade prepared with lemon juice or lemon juice concentrate, lemon or lemon pulp or lemon puree or their mixture with a minimum proportion of 6% in the product obtained;

4) “**Drink with aromas...**” or “**drink with aromatic extracts...**” or “**drink with natural fruit extracts**” or “**drink with natural fruit essences**”: the product prepared with water and one or more of the following ingredients:

- natural flavors of fruits, plants or seeds, natural extracts or natural essences of fruits or their mixture. The product obtained can be gasified using pure carbonic acid/or added with sugar or sweeteners;

5) “**Instant drink with aromas...**” or “**instant drink with aromatic extracts**” or “**instant drink with natural fruit essences**” or “**instant drink with natural fruit extracts**”:

- the product consisting of a powder which, when mixed to water, makes it possible to obtain the product referred to in 4) above;

6) “**Energy drink**” :

- the product containing caffeine and, where appropriate, other stimulating substances such as taurine, glucoronolactone, guarana, ginseng or any other plant extracts, mixed with other substances, such as carbohydrates, amino acids, vitamins or mineral salts. The product obtained can be gasified using pure carbonic acid, flavored and/or supplemented with sugar or sweeteners. The caffeine content in the said product must be at least 14.5 mg/100ml without exceeding 32mg/100ml;

7) “**Milk drink**”, “**whhey drink**” or “**buttermilk drink**”:

- the product obtained by adding water to fermented or non-fermented milk, to partially skimmed milk, skimmed milk or to whey or buttermilk. In this product, the content must be at least 10% (v/v) of milk or buttermilk or at least 15% (v/v) of whey.

This product may contain added sugar or sweeteners, fruit juice, fruit juice concentrate, fruit pulp, fruit puree or a mixture of these products or flavorings.

When the percentage of fruit juice, fruit juice concentrate, fruit pulp, fruit puree or a mixture of these products is at least 10% in the product obtained, the sale name of said product can be completed by the mention “with fruit juices”;

8) “**Tea extract drinks**”, “**coffee extract drinks**”:

- the product obtained by adding water to tea extracts or coffee extracts. The product obtained can be supplemented with sugar, sweeteners or flavorings. It may also contain fruit juice, fruit juice concentrate, fruit pulp, fruit puree or their mixture;

9) “**Iced tea**”:

- the product obtained by the addition of water to tea extracts in a minimum proportion of 1 g/liter. The product obtained can be supplemented with sugar or sweeteners and/or gasified using pure carbonic acid.

If natural mineral water is used for the manufacture of the drinks referred to in this article, with the exception of point 5) above, the names concerned may be supplemented by the words: “natural mineral water”.

ARTICLE 2. - In accordance with the provisions of articles 4 and 5 of the Decree No. 2-10-473, establishments and companies producing, processing, transforming, packaging, transporting, distributing or storing and conserving the products referred to in article 1 above shall be authorized by health authorities.

The operators of these establishments or companies shall ensure the traceability of their products in accordance with the provisions of Article 75 of the Decree No. 2-10-473.

ARTICLE 3. - Importers of the products referred to in Article 1 above shall ensure that the products they import meet the requirements set out in Article 48 of the Decree No. 2-10-473.

ARTICLE 4. - Any handling or treatment for the manufacture of the products mentioned in article 1 above shall be carried out exclusively with potable water as defined by the regulations in force.

ARTICLE 5. - Operators of establishments and companies producing the products referred to in article 1 above shall ensure that the microbiological criteria and the content of phytosanitary product residues and contaminants in the products they place on the market, comply with current regulations in this area.

ARTICLE 6. - Only the additives authorized by the regulations in force for the categories to which the products mentioned in article 1 above belong may be used in the manufacture of said products.

ARTICLE 7. - The products mentioned in article 1 above shall meet the specifications and requirements set in accordance with the provisions of Article 53 of the Decree No. 2-10-473, in particular regarding their packaging. This packaging shall have characteristics guaranteeing the maintenance of the quality and health safety of the product it contains.

Chapter II: Special labeling information

ARTICLE 8. - The labeling of the products referred to in Article 1 above shall be done in accordance with the provisions of Decree No. 2-12-389 mentioned above.

In addition, the labeling of these products shall include the following information:

- 1) For the products referred to in 1) of article 1 above, the sale name shall be followed by the name of the fruit or vegetable used. In the case of a mixture of fruits and/or vegetables, the names of the fruits and/or vegetables shall appear in the list of ingredients in order of decreasing importance by volume, provided that the proportion entering in the composition is at least equal at 2% of the total fruits and/or vegetables present in the drink. Otherwise, the mention “other fruits” or “other vegetables” shall be permitted. In addition, the sale name shall be followed by the indication of the percentage of fruit juice and/or vegetable juice contained in the product;
- 2) For the products referred to in 2), 4) and 5) of Article 1 above, the sale name shall be supplemented by the name of the fruit, plant or seed used in the preparation of the product;
- 3) For the energy drinks referred to in 6) of Article 1 above, the warnings indicated below must be put together in the same place on the labeling:
 - “not suitable for pregnant or breastfeeding women, children and young people under 18”;
 - “should not be mixed with alcohol”;
 - “not suitable for diabetics”;
 - “not suitable for people sensitive to caffeine”;
 - “do not exceed 500 ml/day”;
 - “do not consume during intense physical exercise”;
 - “can disrupt sleep in case of excess”.

In addition, if the product contains ginseng, the labeling shall include the following statement: “not suitable for people with hypertension, heart disease, schizophrenia or insomniacs”.

Chapter III: Miscellaneous provisions

ARTICLE 9. - Energy drinks, referred to in 6) of Article 1 above, shall be presented for sale in exclusively dedicated special displays, separated from other drinks and food products and shall carry the warnings mentioned in Article 8 above, in visible, legible and apparent characters.

ARTICLE 10. - The following shall be considered lawful operations within the meaning of Article 16 of Law No. 13.83:

- 1) the reproduction of fruits and/or vegetables, in the labeling:
 - products referred to in 1) of Article 1 above;
 - sodas prepared from fruit juice or fruit juice concentrate, fruit pulp or fruit puree or their mixture;
 - lemonades made with lemon juice or lemon juice concentrate, lemon pulp or lemon puree;
- 2) the use of designs for the products defined in 4) and 5) of Article 1 above;
- 3) the addition to the products referred to in Article 1 above, of edible parts of fruits or vegetables and/or essential oils;
- 4) the addition of aromas identical to the natural or artificial ones in the manufacture of the products mentioned in Article 1 above provided that the labeling mentions it.

ARTICLE 11. - The following shall not be considered legal transactions and shall constitute fraud within the meaning of the Law No.13-83 mentioned above:

- 1) the addition of alcohol, whatever the proportion is, to the products referred to in Article 1 above;
- 2) the reproduction of fruits at the level of the labeling of the products defined in 4) and 5) of the Article 1 above.

The presence of ethanol due to fermentation shall be tolerated within the limit of 0.1% (v/v) in drinks containing fruits or extracts of fruits, vegetables, plants or seeds.

ARTICLE 12. - Any measure necessary for the full application of the provisions of this Decree may, as appropriate, be fixed by joint order of the government authority in charge of agriculture, the government authority in charge of industry and the government authority in charge of health.

ARTICLE 13. - Decree No. 2-60-692 of 20 Joumada II 1380 (10 December 1960) regulating the trade of fruit and vegetable-based drinks and sodas and lemonades as it has been modified and completed shall be repealed.

The provisions of the Decree of 28 April 1933 (3 Moharram 1352) relating to table water, mineral water, carbonated water, seltzer water, lemonades and sodas and edible ice shall no longer apply to lemonades and sodas.

ARTICLE 14. - The provisions of this Decree come into force as from its date of publication in the *Official Gazette*.

From this date, the establishments and companies and the importers referred to in Articles 2 and 3 above shall have a period of 12 months to sell off the stocks of the products referred to in Article 1 above, that were manufactured before the date of publication of this Decree in the *Official Gazette*.

ARTICLE 15. - The Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests, the Minister of Industry, Investment, Trade and the Digital Economy and the Minister of Health shall be responsible, each within the scope of his competence, for the execution of this decree which shall be published in the *Official Gazette*.

Done in Rabat, 17 Ramadan 1440 (23 May 2019)

The Head of Government, SAAD DINE EL OTMANI

For countersignature :

The Minister of Agriculture, Maritime Fisheries, Rural Development and Water and Forests, AZIZ AKHANNOUCH

The Minister of Industry , Investment, Trade and the Digital Economy, Moualy HAFID El Alamy

The Minister of Health, ANASS DOUKKALI